

BEST AVAILABLE COPYPatent
52478-0900**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Masahiro Oashi et al.

Serial No.: 09/587,107

Filed: June 2, 2000

For: MULTI-MEDIA INFORMATION
RECORD DEVICE AND A
MULTI-MEDIA INFORMATION
PLAYBACK DEVICE

Patent Examiner: Hong, Stephen S.

Group Art Unit: 2178

November 24, 2004

Irvine, California 92614

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MAR 03 2005**PETITION TO ACCEPT A SUPPLEMENTAL DECLARATION****MISSING A JOINT INVENTOR'S SIGNATURE PURSUANT TO 37 C.F.R. § 1.47(a)**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

In response to the Office Action of August 27, 2004, Applicant hereby submits the Declaration of Shigeo Takenouchi along with the Declaration executed by Masahiro Oashi, Yuki Kusumi, Masahiro Kawai and Chihiro Kawahara along with the appropriate fee.

The only missing inventor is Ryoichi Sasaki. Mr. Sasaki resigned after the filing of the Japanese priority patent applications on March 31, 1995. Mr. Sasaki did execute the original Declaration in the parent application filed on August 8, 1995, which issued as U.S. Patent No. 5,767,845 on June 16, 1998, and subsequently executed a Reissue Application Declaration on June 21, 2000 (copies attached).

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Patent
52478-0900

However, when requested to file a Supplemental Reissue Declaration requested by the Examiner in the prosecution of the Reissue Application, Mr. Sasaki, as an ex-employee, refused to sign.

The last known resident address of the omitted inventor, Ryoichi Sasaki, is of record in his declaration as Post Office Address 5-3-207, Nakino-Kitamachi, Hirakati-shi Osaka, 573 Japan.

In the Office Action of October 25, 2002, the Reissue Application was contended to be defective because errors which were relied upon were purportedly inappropriate to support a Reissue Application. A diligent effort was made to have a supplemental reissue declaration executed by each of the inventors, including Ryoichi Sasaki. In this regard, a letter was forwarded to Mr. Sasaki by Shigoo Takenouchi, a representative of the assignee, by Registered Mail on February 24, 2003, requesting his assistance in executing a first supplemental reissue declaration. Confirmation receipts were received from the Japanese Postal Service indicating that Mr. Sasaki had received our request. He did not respond, and repeated attempts were made in March and April to establish a direct contact with Mr. Sasaki.

The attached Declaration of Mr. Takenouchi and Exhibits A to D confirm that on April 14, 2003, he had a phone conference with Mr. Sasaki, who indicated that he did not intend to execute a Reissue Supplemental Declaration unless there was a personal benefit for himself. Mr. Sasaki was a former employee of the assignee of the invention, and had previously executed Declarations for not only the original U.S. Patent No. 5,767,845, but also the current Reissue Declaration that was filed in this case.

Subsequent efforts were made to contact Mr. Sasaki in an effort to try and convince him to change his position, but apparently Mr. Sasaki has no interest in any contact with his former

Patent
52478-0900

employer, nor any interest in signing a Supplemental Reissue Declaration that would assist the former employer.

Subsequently in the prosecution, the Examiner recently made a request for yet another Supplemental Declaration, and again an effort was made to contact Mr. Sasaki to secure his signature. Copies of the Supplemental Declaration, the Supplemental Amendment and the explanatory letter were sent by Registered Mail and Courier to Mr. Sasaki, but were not able to be delivered. Mr. Sasaki apparently has relocated and is missing. The last known address on Mr. Sasaki is contained in the prosecution file on the present application, since he had originally executed the Reissue Declaration for the Reissue Application.

In summary, all of the inventors, including Mr. Sasaki, executed not only the original Declaration in 1995, but also executed the Reissue Declaration in the year 2000. When Mr. Sasaki was requested to execute a Supplemental Declaration, he refused to assist the assignee. Additional attempts to change his position and to request that he reconsider, along with the presentation of the most recent request for a Supplemental Declaration, were unsuccessful.

It is respectfully submitted that the present applicant has made all reasonable and diligent efforts to secure the further cooperation of Mr. Sasaki and has more than adequately complied with the requirements of 37 C.F.R. § 1.47(a).

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52478.0900/PRIOR/REV/397372

Patent
52478-0900

If there are any questions with regards to this Petition, the undersigned attorney would appreciate a telephone conference.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 24, 2004.

By: Sharon Farnus



Signature

Dated: November 24, 2004

Respectfully submitted,

SNELL & WILMER L.L.P.



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